

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOSEPH E. LAWRENCE,

Plaintiff

v.

DR. MICHAEL MINEV, *et al.*,

Defendants.

Case No. 2:22-cv-00325-APG-EJY

**ORDER**

On February 22, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and a Financial Certificate with an inmate account statement for the previous six-month period. ECF Nos. 1-1, 1-2. Plaintiff has neither paid the \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis* on this Court’s approved form.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time extension** to file a complete application to proceed *in forma pauperis* containing all three of the required documents on or before **May 6, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a complete application to proceed *in forma pauperis* with all three required documents on or before **May 6, 2022**, this case will be subject to dismissal without

1 prejudice. Plaintiff is free to file a new case with the Court when Plaintiff is able to acquire all three  
2 of the documents needed to file a complete application to proceed *in forma pauperis*.

3 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
4 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
5 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an  
6 application to proceed *in forma pauperis* and instead pay the filing fee of \$402 on or before **May 6,**  
7 **2022** to proceed with this case.

8 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not  
9 file the complaint unless and until Plaintiff timely files a complete application to proceed *in forma*  
10 *pauperis* with all three documents or pays the \$402 filing fee.

### 11 ORDER

12 IT IS HEREBY ORDERED that the Clerk of the Court will send Plaintiff the approved form  
13 application to proceed *in forma pauperis* by an inmate as well as the document entitled information  
14 and instructions for filing an *in forma pauperis* application.

15 IT IS FURTHER ORDERED that on or before **May 6, 2022**, Plaintiff will either pay the  
16 \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee)  
17 or file with the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
19 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
20 3),

21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
22 (i.e. page 4 of this Court's approved form), and

23 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
24 **six-month period.**

25 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
26 proceed *in forma pauperis* with all three documents or pay the \$402 filing fee for a civil action on  
27 or before **May 6, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to refile  
28

1 the case with the Court, under a new case number, when Plaintiff has all three documents needed to  
2 file a complete application to proceed *in forma pauperis* or pays the \$402 filing fee.

3 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No.1-  
4 1) but will not file it at this time.

5 DATED this 7th day of March, 2022.

6   
7 ELAYNA J. YOUCHAK  
8 UNITED STATES MAGISTRATE JUDGE  
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